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Attorneys for the Plaintiffs  
NELLCOR PURITAN BENNETT, INC. and  
BOARD OF REGENTS, UNIVERSITY OF  
TEXAS SYSTEM

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NELLCOR PURITAN BENNETT, INC., and  
BOARD OF REGENTS, UNIVERSITY OF  
TEXAS SYSTEM,

Plaintiffs,

v.

SMITHS MEDICAL INTERNATIONAL  
LTD., SMITHS MEDICAL ASD, INC.,  
BREGAS AB, VITAL SIGNS, INC.  
VITAL SIGNS SWEDEN AB, and FUTALL  
AB,

Defendants.

Case No.: 04-1934 VRW

**STIPULATED DISMISSAL WITH  
PREJUDICE**

**Date: Not Applicable**  
**Time: Not Applicable**  
**Judge: Chief Judge Vaughn R. Walker**

**STIPULATED DISMISSAL WITH PREJUDICE**

Plaintiff and Counter-Defendant Nellcor Puritan Bennett Incorporated, Plaintiff Board of Regents, The University of Texas System, and Defendant Vital Signs, Inc., Defendant Vital Signs Sweden AB, and Defendant Futall AB in this case, hereby jointly stipulate that all claims or causes of action asserted in this suit between and among Plaintiff and Counter-Defendant Nellcor Puritan Bennett Incorporated, Plaintiff Board of Regents, The University of Texas System, and Defendant Vital Signs, Inc., Defendant Vital Signs Sweden AB, and Defendant Futall AB are hereby dismissed with prejudice to the right of the parties to assert in the future any such claims.

1 The above parties further stipulate that all attorneys' fees and costs are to be borne by  
2 the party that incurred them.

3 IT IS SO STIPULATED.

4 Respectfully submitted,

5 Date: September 8, 2006

/s/ Scott R. Brown

6 SCOTT R. BROWN (CSB# 151635)  
7 MICHAEL B. HURD (Admitted *Pro Hac Vice*)  
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10  
11 Attorneys for the Plaintiffs and  
12 Counter-Defendants  
13 NELLCOR PURITAN BENNETT, INC. and  
14 BOARD OF REGENTS, UNIVERSITY OF  
15 TEXAS SYSTEM

16 Respectfully submitted,

17 Date: September 8, 2006

/s/ Frank L. Bernstein

18 Frank L. Bernstein(CSB#189504)  
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20 Attorneys for the Defendants  
21 VITAL SIGNS, INC., VITAL SIGNS SWEDEN AB,  
22 and FUTALL AB

23  
24 IT IS SO ORDERED.

25 Signed this 14<sup>th</sup> day of September 2006.

26   
27 \_\_\_\_\_

28 Chief Judge Vaughn R. Walker

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of Nellcor Puritan Bennett, Inc. and Board of Regents, The University of Texas System's **STIPULATED DISMISSAL WITH PREJUDICE** is being served upon the following counsel of record this 8<sup>th</sup> day of September, 2006, via e-mail to:

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*Attorneys for Plaintiffs  
Nellcor Puritan Bennett, Inc. and  
Board of Regents, University of Texas System*

Date: September 8, 2006

/s/ Frank L. Bernstein  
Frank L. Bernstein